IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3215 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

RAMBHABEN BECHARBHAI VASAYA

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 3215 of 2004

MR RM CHHAYA for Petitioner No. 1-3

MR LB DABHI, AGP, for Respondent No. 1-2

CORAM : HON'BLE MR.JUSTICE A.R.DAVE

Date of decision: 22/04/2004

ORAL JUDGEMENT

Rule. Service of rule is waived by learned AGP Shri L.B. Dabhi for the respondents.

2. The land, which is subject-matter of this petition, had been leased to late Shri Becharbhai Kanjibhai Kanbi and late Shri Mulji Lakha on eksali basis for cultivation. The petitioners are heirs of late Shri Kanbi Becharbhai.

3. The land in question was required by the government for establishing a seed farm and, therefore, the lease had not been renewed. The land in question was taken over by the Dept. of Agriculture and thereafter by the Revenue Department. It is the case of the petitioners that now the land in question is not required for establishing a seed farm and, therefore, it has remained unused with the government authorities.

4. In the aforestated circumstances, applications were submitted to the Collector, Rajkot, with a prayer that the land in question be leased again to the petitioners. The said applications have remained unattended. The petitioners have approached this court with a prayer that the applications submitted by them be looked into and if the land is not required by the government, it may be given on lease to the petitioners.

5. Looking to the facts of the case, it is directed that the applications already submitted by the petitioners, and another application, which the petitioners desire to submit to respondent No. 1, be looked into by the respondents and an appropriate decision be taken on their applications.

6. The petitioners shall furnish two copies of the petition to the Registry of this court so that the said copies can be forwarded to the respondents alongwith another comprehensive application, which might be submitted by the petitioners. The respondents shall look into the contents of the petition and the application, which might be filed by the petitioners, and shall take an appropriate decision as soon as possible and preferably within 2 months from the date of receipt of the application alongwith a copy of this order.

7. In view of the above direction, the petition stands disposed of as allowed. Rule is made absolute with no order as to costs.

Direct service is permitted.

(A.R. Dave, J.)

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